

On March 25, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 cases of canned tomatoes at Norman, Okla., alleging that the article had been shipped in interstate commerce on or about January 27 and 29, 1936, by Hargis Canneries, Inc., from Huntsville, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Red Ripe Brand Tomatoes Contents 1 Lb. 3 Ozs. Packed by Huntsville Canning Company Huntsville, Ark."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since the tomatoes were not normally colored, and the package or container did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture, indicating that the article fell below such standard.

On April 22, 1936, the Huntsville Canning & Manufacturing Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

26036. Adulteration and misbranding of alleged olive oil. U. S. v. Twelve 1-Gallon Tins, et al., of alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. nos. 37445, 37447. Sample nos. 61547-B, 61553-B.)

These cases involved alleged olive oil that consisted in part of tea-seed oil.

On March 26, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of twelve 1-gallon tins and 20 half-gallon tins of alleged olive oil at Bridgeport, Conn., and seventy-eight 1-gallon tins of alleged olive oil at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about August 7 and October 21, 1935, by Sol Balamut, from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Italian Product Lucca Extra Virgin Olive Oil Tuscany [or "Rosner"] Brand Imported from Italy."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength, and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the packages were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: The design of olive branches with olives and the statements: "Italian Product Lucca Extra Virgin Olive Oil * * * Imported from Italy Italian product extra virgin olive oil for medicinal and table uses. We guarantee this olive oil to be absolutely pure under chemical analysis. Prodotto Italiano Olio extra vergine di oliva garantito puro sotto qualunque analisi chimica. * * * Prodotto Italiano Lucca Extra Vergine Olio d' Oliva * * * Importato dall' Italia"; (top of can) "Imported olive oil [or "Imported Pure Olive Oil"]." The article also was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil.

On June 30 and September 11, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26037. Adulteration and misbranding of olive oil. U. S. v. 6 Cans of Olive Oil, and two other actions. Default decree of condemnation and destruction. (F. & D. nos. 37446, 37451, 37493. Sample nos. 61238-B, 61239-B, 70414-B.)

These cases involved interstate shipments of so-called olive oil that contained tea-seed oil.

On March 25, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court two libels, one praying seizure and condemnation of six cans of so-called olive oil at Philadelphia, Pa.; and on March 27, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation, one of 30 cans, and the other, 28 cans of so-called olive oil, at